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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**Civil Revision No. 4938 of 2007**
Date of decision: 27.9.2007

**Mangal Singh** **...Petitioner**

**Versus**

**Dharampal and another** **...Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL**

Present: Mr. H. S. Minhas, Advocate for the petitioner.

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**RAJESH BINDAL, J.**

The challenge in the present petition is to the order dated February 6, 2007 passed by the learned Civil Judge (Junior Division), Mohali whereby evidence of the petitioner/defendant has been closed in a suit filed against him for possession by way of specific performance of agreement to sell.

For the view I am taking in the present petition, I do not deem it appropriate to issue notice to the respondents/plaintiffs as the same would unnecessarily delay not only disposal of the present petition but the suit as well.

Learned counsel for the petitioner submitted that after the closure of the evidence of the respondents/plaintiffs, four opportunities were granted to the petitioner/defendant to lead his evidence, however, for the reasons beyond his control, the same could not be completed. He further submitted that even after the order closing the evidence of the petitioner/defendant was passed, the respondents/plaintiffs moved an application for additional evidence, which is still pending for consideration. The object for which learned trial Court might have closed the evidence of the petitioner/defendant for speedy disposal of the case is still frustrated. He submitted that in case one opportunity is granted to him, he will produce his entire evidence on the date to be fixed by the trial Court after the next date which is fixed as September 28, 2007.

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Having heard learned counsel for the petitioner, I find merit in the submissions made by learned counsel for the petitioner/defendant. Keeping in view interest of justice and the fact that the averments of the petitioner/defendant are that due to domestic problem, he could not regularly attend the proceedings in the Court, I grant one opportunity to the petitioner/defendant for producing his entire evidence on the date to be fixed by the trial Court on September 28, 2007, which is stated to be next date of hearing already fixed. However, the same shall be subject to payment of Rs. 1000/- as costs to the plaintiffs/respondents. The Petitioner/defendant will be at liberty to take the help of the Court to summon the witnesses.

The revision petition is disposed of in the manner indicated above.

**September 27, 2007** **(Rajesh Bindal)**
**Pka** **Judge**